

### **REMARKS**

The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

#### *Rejections Under 35 U.S.C. §103(a)*

Claims 1-5, 7-8, 10-13, 16-20, 22-23, 25-28, 31-36, and 38-44 were rejected under 35 U.S.C. 103(a) as being unpatentable over De Rafael (U.S. Patent Application Publication No. 2002/0116256), in view of Dedrick (U.S. Patent No. 5,724,521), Kolls (U.S. Patent No. 6,807,532) and Friskel (U.S. Patent No. 6,839,737). Claims 9, 14, 24, 29 and 37 were rejected were rejected under 35 U.S.C. 103(a) as being unpatentable over De Rafael, in view of Dedrick, Kolls, Friskel and Graham (U.S. Patent No. 6,732,183). Applicant respectfully disagrees.

Applicant respectfully submits that the cited references do not disclose:

“compensating the user based on the rate and a duration of the real time, person to person, live communications between the user and the advertiser to generate a balance to be paid to the user; and during the session, allowing the user to purchase the one or more items advertised by the advertiser in the session of real time, person to person, live communications by deducting from the balance to be paid to the user”  
[Applicant’s independent claim 1, emphasis added]

Although De Rafael teaches that “the credit may be used electronically in a manner analogous to cash, i.e., to purchase goods or services via an electronic transaction, and the user's account is debited as part of the transaction” (Paragraph 14 of De Rafael), De Rafael fails to disclose a system that allows the user to make a purchase *during* the session of “real time, person to person, live communications” between the user and the advertiser over the telephonic connection established in response to the user selecting the link.

The reference Dedrick does not disclose “compensating the user based on the rate and a duration ...” recited in claim 1. The Office Action asserted that Dedrick (Col. 9, lines 1-5; Col. 13, lines 1-65; Col. 16, lines 1-20; Col. 17, lines 15-30) teaches a system that compensates users for interacting with advertisements where said compensation is based on a time and rate of said interaction. Applicant respectfully disagrees.

Col. 17, lines 15-30, of Dedrick merely discloses the collection of information by a metering server which “may monitor the amount of time an end user spends viewing an electronic advertisement” (Col. 17, lines 21-22, Dedrick). The collected information “is then forwarded to the clearinghouse server 20 for compilation” (Col. 17, lines 28-29, Dedrick). Other cited portions of Dedrick (e.g., Col. 9, lines 1-5; Col. 13, lines 1-65; and Col. 16, lines 1-20) are about charging the end user, which is the opposite of compensating the end users.

Thus, Dedrick actually teaches way from paying the end user, as claimed by applicant.

Further, the cited references, when viewed as a whole, do not suggest the method and system recited in the pending claims, in which links in advertisements are used to establish *telephonic* connections between the user and the advertiser for a session of real time, person to person, live communications, during which the advertiser personally advertises the items.

In fact, the cited references actually teach away from the claimed limitations. For example, Dedrick actually teaches way from paying the end user, as discussed above. Further, for example, De Rafael teaches rewarding the viewers for interacting with a remote computer, which actually teaches away from real time, *person to person*, live communications. De Rafael explicitly states:

“In accordance with the advertisement selected by the user, the remote computer displays questions for the user. The database includes a list of questions corresponding to each advertisement and an algorithm for selecting the next question in response to the user's answer to one or more previous questions.” (Paragraph [0013], De Rafael).

Interacting with a remote computer is not a person to person communication over a telephonic connection. Since De Rafael teaches to use a computer to automate the interaction with an end user, De Rafael teaches away from the invention as claimed.

Further, since De Rafael teaches that the end user could easily “ignore the substance of the advertisement” and merely accumulate the amount of time to receive credit (Paragraph [0007], De Rafael), De Rafael actually teaches away from the feature of “compensating the user based on the rate and a duration ...” recited in claim 1.

Furthermore, the reference Kolls (Col. 46, lines 20-40) does not disclose an interactive advertisement that allows users to communicate with advertisers in real time. Nothing in Kolls suggests that the user is rewarded for communicating with the advertiser. Thus, even if the teaching of Kolls were applied to the advertisement of De Rafael, the advertisement in De Rafael is merely modified to include the option to allow the user to initiate a telecommunication call to the phone number of the restaurant. There is no basis in either cited references for rewarding the user for the telecommunication call initiated according to Kolls.

Thus, even when viewed together, the cited references as a whole fail to suggest the invention as claimed. The cited references actually teach away from the claimed invention. One or more of the above discussed reasons are also applicable to other pending independent claims. Thus, the pending claims are patentable over the cited references.

**CONCLUSION**

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,

Date: January 7, 2008

/John P. Ward/

John P. Ward

Reg. No. 40,216

CUSTOMER NUMBER 64494  
GREENBERG TRAURIG, LLP  
(650) 328-8500 Telephone  
(650) 328-8508 Facsimile  
E-Mail: wardj@gtlaw.com